

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guenther H. Ruhe Attorney Docket No.: 473-1
Application No.: 10/807,465 Group Art Unit: 2192
Filed: March 24, 2004 Examiner: Ben C. Wang
Title: RELEASE PLANNING

DECLARATION OF GUENTHER H. RUHE UNDER 37 C.F.R. 1.132

TO THE COMMISSIONER FOR PATENTS:

I, Guenther H. Ruhe, hereby declare and state as follows:

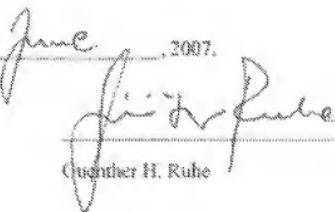
1. I am the sole applicant and inventor of the subject matter described and claimed in U.S. Patent Application No. 10/807,465 (hereinafter "the present application), which was filed on March 24, 2004. I am also a named co-author of the article "Quantitative Studies in Software Release Planning under Risk Resource Constraints", *IEEE*, Sep. 2003, p. 1 – 10 (hereinafter "the IEEE article"), of the text Software Release Planning: an Evolutionary and Iterative Approach, July 2003, Elsevier (hereinafter "the Elsevier text"), and of the article "Web-Based Decision Support for Software Release Planning", *WSS 2003*, Oct. 2003, p. 13 – 20 (hereinafter "the WSS article"). None of the IEEE article, the Elsevier text, and the WSS article were published more than one year prior to the filing date of the present application.

2. I am aware of and have reviewed an Office Action dated May 8, 2007, in which claims 1 – 3 and 8 – 20 are rejected under 35 U.S.C. 102(a) as being anticipated by the IEEE article, claims 4 – 6 are rejected under 35 U.S.C 103(a) as being unpatentable over the IEEE article, in view of the Elsevier text, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the IEEE article in view of the Elsevier text and in further view of the WSS article, and claims 21

- 22 are rejected under 35 U.S.C. 103(a) as unpatentable over the IEEE article, in view of the WSS article.

3. Notwithstanding the authorship set forth in the IEEE article, the Elsevier text, and the WSS article, the subject matter claimed in the present application that is coextensive with the IEEE article, the Elsevier text, and the WSS article was conceived solely by me, and not by the other named co-authors of the IEEE article, the Elsevier text, and the WSS article.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

DATED this 22nd day of June, 2007.

Günther H. Ruhe